

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

FILED: NOVEMBER 19, 2008

ALLEN PLYLER,

Plaintiff,

v.

WHIRLPOOL CORPORATION,  
BEST BUY CO., INC., and LEVITON  
MANUFACTURING COMPANY, INC.

Defendants.

08CV6637

JUDGE LEINENWEBER

MAGISTRATE JUDGE BROWN

CH

No.

(Cook County No. 2008 L 011322)

JURY DEMAND

**DEFENDANT'S NOTICE OF REMOVAL**  
**PURSUANT TO 28 U.S.C. §§ 1332, 1441, and 1446**

The defendant, BEST BUY CO., INC, ("Best Buy") by its attorneys, THE HUNT LAW GROUP, LLC, hereby gives notice that this action has been removed from the Cook County Circuit Court, Law Division, of the State of Illinois, to the United States District Court for the Northern District of Illinois, Eastern Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and respectfully states to the Court as follows:

1. The plaintiff filed a civil complaint, captioned *Allen Plyler v. Whirlpool Corporation, Best Buy Co., Inc., and Leviton Manufacturing Company, Inc.*, on October 14, 2008. The complaint alleges that the plaintiff sustained severe injuries, both in mind and body, from a fire, allegedly started by a defective Whirlpool microwave, which caused his "house to burn down." (See Complaint at Law, attached hereto as Exhibit A.)

2. Best Buy was served with the complaint on October 23, 2008. (See Summons and Service Transmittal Form from Best Buy's Registered Agent, CT Corporation, attached hereto as Exhibit B.)

3. The defendant WHIRLPOOL CORPORATION expressly consents to the removal of this lawsuit from the Circuit Court of Cook County to the United States District Court for the Northern District of Illinois in writing, as set forth in the Affidavit of Michael Metzger, Senior Counsel for WHIRLPOOL CORPORATION. (See affidavit of Michael Metzger, attached hereto as Exhibit C.)

4. The defendant LEVITON MANUFACTURING COMPANY, INC., expressly consents to the removal of this lawsuit from the Circuit Court of Cook County to the United States District Court for the Northern District of Illinois in writing, as set forth in the Affidavit of Vincent J. Lonigro, Assistant General Counsel for LEVITON MANUFACTURING COMPANY, INC. (See affidavit of Vincent J. Lonigro, attached hereto as Exhibit D.)

5. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1332, and this action may be removed to this Court by the defendant pursuant to 28 U.S.C. § 1441(a) because it is a civil action between citizens of different states, the matter in controversy exceeds the sum of \$75,000 exclusive of interest and costs, and this Court is the District Court of the United States for the district and division encompassing the place where the action is pending.

6. The plaintiff, Allen Plyler, is now and was at the time of the commencement of this lawsuit a resident and citizen of the State of Illinois, and is not a resident or citizen of the same state as any of the defendants. (See Exhibit A at ¶ 1)

7. The plaintiff named BEST BUY CO., INC., as a defendant in this case. BEST BUY CO., INC., is a Minnesota Corporation with its principal place of business in Richfield, Minnesota.

8. Although the plaintiff named BEST BUY CO., INC., as the defendant herein, the proper entity for this lawsuit is BEST BUY STORES, L.P.

9. To determine the citizenship of a partnership, the citizenship of each of its partnership layers and/or members must be traced through to confirm that diversity exists. *See Hart v. Terminex Intern.*, 336 F.3d 541, 543 (7<sup>th</sup> Cir. 2003). Best Buy Stores, L.P., is a Virginia Limited Partnership with its principal place of business in Richfield, Minnesota.

10. Best Buy Stores, L.P., is comprised of a general partner and a limited partner. The general partner of Best Buy Stores, L.P., is BBC Property Co. BBC Property Co., is a Minnesota Corporation with its principal place of business in Richfield, Minnesota. The limited partner of Best Buy Stores, L.P. is BBC Investment Co., a Nevada Corporation with its principal place of business in Richfield, Minnesota.

11. The plaintiff named WHIRLPOOL CORPORATION as a defendant in this case. WHIRLPOOL CORPORATION is a Delaware Corporation with its principal place of business located in Benton Harbor, Michigan. (See Exhibit C at ¶ 3.)

12. The plaintiff named LEVITON MANUFACTURING COMPANY, INC., as a defendant in this case. LEVITON MANUFACTURING COMPANY, INC., is a Delaware Corporation with its principal place of business located in Little Neck, New York. (See Exhibit D at ¶ 4.)

13. Accordingly, neither BEST BUY CO., INC., Best Buy Stores LP, BBC Property Co., BBC Investment Co., WHIRLPOOL CORPORATION, nor LEVITON MANUFACTURING COMPANY, INC., is a citizen or resident of the same state as the plaintiff, and there is complete diversity between each of the defendants and the plaintiff pursuant to 28 U.S.C. § 1332(a)(1) and 28 U.S.C. § 1441(b).

14. As previously noted, for diversity jurisdiction to exist as a proper basis of removal, the matter in controversy must exceed the sum or value of \$75,000. 28 U.S.C. § 1332(a).

15. The plaintiff's complaint includes a prayer for "an amount in excess of \$50,000.00," which is the minimum jurisdictional requirement for lawsuits filed in the Law Division of the Cook County Circuit Court. The plaintiff seeks damage, alleging that he "sustained severe injuries and will continue to suffer great pain and anguish, both in mind and body." (See Exhibit A at ¶ 10.) The plaintiff further alleges that he "has already lost and will continue to lose substantial amounts of time at his employment," and that he "has, and will expend and become liable for large sums of money for medical and other professional help in attempting to become cured of his injuries." (Id.)

16. Accordingly, the defendant states that it is in its good faith belief that the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

17. This Notice of Removal is being filed within the thirty days of the receipt of the plaintiff's complaint as prescribed by 28 U.S.C. § 1446(b). Plaintiff's complaint was filed on October 14, 2008 and the defendant was served with a copy of the complaint on October 23, 2008. This notice is filed on November 19, 2008, within thirty days of the date of service of plaintiff's complaint. (See Exhibit B.)

18. A true and accurate copy of this Notice of Removal will be filed with the clerk of the Circuit Court of Cook County, Illinois promptly after the filing of this Notice of Removal. Written notice of the filing of this Notice of Removal and a copy of the Notice of Removal will also be provided to plaintiff's counsel, as required by 28 U.S.C. § 1446(d).

19. Attached to this Notice of Removal are true and correct copies of all process, pleadings, and orders filed in the aforesaid action. (See Exhibit E.)

WHEREFORE, the defendant, BEST BUY CO., INC., hereby gives notice that the matter captioned *Allen Plyler v. Whirlpool Corporation, Best Buy Co., Inc., and Leviton Manufacturing Company, Inc.*, Case No. 08 L 011322, filed in the Law Division of the Cook County Circuit Court in the State of Illinois, is removed to the United States District Court for the Northern District of Illinois, Eastern Division.

**THE DEFENDANT DEMANDS A TRIAL BY JURY.**

Respectfully submitted,

By: s/ Brian J. Hunt  
Brian J. Hunt

Brian J. Hunt (6208379)  
W. Scott Trench (6270751)  
THE HUNT LAW GROUP, LLC  
Attorneys for Defendants, BEST BUY CO., INC.  
and BEST BUY STORES, L.P.  
225 W. Washington St., 18<sup>th</sup> Floor  
Chicago, Illinois 60606  
312-284-2300 (phone)  
312-443-9391 (fax)  
[bhunt@hunt-lawgroup.com](mailto:bhunt@hunt-lawgroup.com)  
[strench@hunt-lawgroup.com](mailto:strench@hunt-lawgroup.com)

# EXHIBIT A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

ALLEN PLYLER,

Plaintiff,

vs.

WHIRLPOOL CORPORATION, BEST  
BUY CO., INC., and LEVITON  
MANUFACTURING COMPANY, INC.,

Defendants.

Case No.:

2008L011322  
CALENDAR/ROOM B  
TIME 00:00  
Product Liability

FILED  
2009 OCT 14 AM 9:07  
DOUGLASS COUNTY  
CLERK OF COURT  
LAW DIVISION

COMPLAINT

NOW COMES Plaintiff, ALLEN PLYLER, by and through his attorneys,  
SKALETSKY AND ASSOCIATES, LTD, and for his Complaint against the Defendants,  
WHIRLPOOL CORPORATION, BEST BUY CO. INC., and LEVITON  
MANUFACTURING COMPANY, INC., states as follows:

Count I

**Negligence: Whirlpool Corporation**

1. On or about October 11, 2006, ALLEN PLYLER was a residing at 1018 E. Lowden Ave., Wheaton, IL 60187.
2. Defendant WHIRLPOOL CORPORATION'S defective Whirlpool microwave was installed at Plaintiff's house prior to October 11, 2006.
3. Defendant WHIRLPOOL CORPORATION was, at aforementioned date, in the business of manufacturing, selling, and distributing microwaves.
4. Defendant knew or should have known that the aforementioned microwave was defective in nature.

5. Defendant had a duty to notify purchasers of aforementioned microwaves of its defective nature.
6. Defendant breached its duty when it failed to properly notify Plaintiff, recall and remove the defective microwave from Plaintiff's home.
7. As a result, at or around 5 AM on aforementioned date and address, a fire was created within the microwave and in the wall outlet, causing Plaintiff's house to burn down.
8. The microwave was not and had not been in operation for several hours prior to the fire.
9. The careless and negligent act/or omission by the Defendant was the proximate cause of the fire and Plaintiff's personal injuries hereinafter mentioned.
10. That as a direct and proximate result of the aforesaid negligent act and/or omission by the Defendant WHIRLPOOL CORPORATION, Plaintiff then and there sustained severe injuries and will continue to suffer great pain and anguish, both in mind and body. As a result, Plaintiff has already lost and will continue to lose substantial amounts of time at his employment. Further, Plaintiff has, and will expend and become liable for large sums of money for medical and other professional help in attempting to become cured of his injuries.

WHEREFORE Plaintiff **ALLEN PLYLER** asks this court to enter judgment in his favor and against Defendant, **WHIRLPOOL CORPORATION** for an amount in excess of \$50,000.00, plus his costs of suit.



**Count II**

**Products Liability, Design Defect: Whirlpool Corporation**

1. On or about October 11, 2006, ALLEN PLYLER was residing at 1018 E. Lowden Ave., Wheaton, IL 60187.
2. Defendant WHIRLPOOL CORPORATION'S defective Whirlpool microwave was installed at Plaintiff's house prior to October 11, 2006.
3. Defendant WHIRLPOOL CORPORATION was, at aforementioned date, in the business of manufacturing, selling, and distributing microwaves.
4. Defendant knew or should have known that the aforementioned microwave was defective in nature.
5. It was foreseeable to the Defendant that the risks of harm posed by the defective microwave could have been reduced or avoided by the adoption of a reasonable alternative design.
6. The omission of the alternative design rendered the microwave not reasonably safe.
7. Defendant was aware of the usefulness and desirability of this microwave to the public as a whole.
8. Defendant was aware that safety aspects of a microwave were important because it is highly likely that a defective microwave would cause serious injury.
9. Defendant had the ability to substitute the defective microwave or parts of the microwave which rendered it unsafe.

10. Defendant had the ability to eliminate the unsafe characteristic of the microwave without impairing its usefulness or making it too expensive to maintain its utility by providing a reasonable alternative design.

11. Defendant was aware that a reasonable person would be unable to avoid the danger posed by the existence of the defective microwave.

12. Defendant failed to make the dangerous nature of this microwave open and obvious to the general public.

13. As a result of Defendant WHIRLPOOL CORPORATION'S manufacturing, sale and distribution of a defectively designed microwave, Plaintiff then and there sustained severe injuries and will continue to suffer great pain and anguish, both in mind and body. As a result, Plaintiff has already lost and will continue to lose substantial amounts of time at his employment. Further, Plaintiff has, and will expend and become liable for large sums of money for medical and other professional help in attempting to become cured of his injuries.

WHEREFORE Plaintiff **ALLEN PLYLER** asks this court to enter judgment in his favor and against Defendant, **WHIRLPOOL CORPORATION** for an amount in excess of \$50,000.00, plus his costs of suit.

### **Count III**

#### **Negligence: Best Buy Co. Inc.**

1. On or about October 11, 2006, ALLEN PLYLER was a residing at 1018 E. Lowden Ave., Wheaton, IL 60187.

2. Defendant WHIRLPOOL CORPORATION'S defective Whirlpool microwave was installed at Plaintiff's house prior to October 11, 2006.

3. Defendant BEST BUY CO. INC. was in the business of selling Whirlpool microwaves.
4. Defendant knew or should have known that the Whirlpool microwaves that it sold or was selling were defective in nature.
5. Defendant had a duty to notify customers of the defective condition of the microwave.
6. Defendant breached its duty when it failed to properly notify Plaintiff, recall and remove the defective microwave from Plaintiff's home.
7. As a result, at or around 5 AM on aforementioned date and address, a fire was created within the microwave and in the wall outlet, causing Plaintiff's house to burn down.
8. The microwave was not and had not been in operation for several hours prior to the fire. 26. The careless and negligent act/or omission by the Defendant was the proximate cause of the fire and Plaintiff's personal injuries hereinafter mentioned.
9. That as a direct and proximate result of the aforesaid negligent act and/or omission by the Defendant BEST BUY CO. INC., Plaintiff then and there sustained severe injuries and will continue to suffer great pain and anguish, both in mind and body. As a result, Plaintiff has already lost and will continue to lose substantial amounts of time at his employment. Further, Plaintiff has, and will expend and become liable for large sums of money for medical and other professional help in attempting to become cured of his injuries.

WHEREFORE Plaintiff **ALLEN PLYLER** asks this court to enter judgment in his favor and against Defendant, **BEST BUY CO. INC.** for an amount in excess of \$50,000.00, plus his costs of suit.

**COUNT IV**

**Negligence: Levinton Manufacturing Company, Inc.**

1. On or about October 11, 2006, ALLEN PLYLER was a residing at 1018 E. Lowden Ave., Wheaton, IL 60187.
2. Defendant LEVINTON MANUFACTURING COMPANY, INC. was, at aforementioned date, in the business of manufacturing of electrical outlets.
3. Defendant LEVINTON MANUFACTURING COMPANY, INC.'s defective electrical outlet was installed at Plaintiff's residence prior to October 11, 2006.
4. Defendant knew or should have known that the aforementioned electrical outlet was defective in nature.
5. Defendant had a duty to notify purchasers that the aforementioned electrical outlets were defective.
6. Defendant breached its duty when it failed to properly recall and remove the defective electrical outlet from Plaintiff's home.
7. As a result, at or around 5 AM on aforementioned date at the aforementioned address, a fire was created within the microwave and in the wall outlet, causing Plaintiff's house to burn down.
8. The microwave was not and had not been in operation for several hours prior to the fire.

9. That the aforesaid careless and negligent act/or omission of the Defendant was a proximate cause of the fire and Plaintiff's personal injuries hereinafter mentioned.

10. That as a direct and proximate result of the aforesaid negligent act and/or omission of the Defendant LEVINTON MANUFACTURING COMPANY, INC., Plaintiff then and there sustained severe injuries and will continue to suffer great pain and anguish, both in mind and body. As a result, Plaintiff has already lost and will continue to lose substantial amounts of time at his employment. Further, Plaintiff has, and will expend and become liable for large sums of money for medical and other professional help in attempting to become cured of his injuries.

WHEREFORE Plaintiff ALLEN PLYLER asks this court to enter judgment in his favor and against Defendant, LEVINTON MANUFACTURING COMPANY, INC. for an amount in excess of \$50,000.00, plus his costs of suit.

#### **COUNT V**

##### **Products Liability, Design Defect: Leviton Manufacturing Company, Inc.**

1. On or about October 11, 2006, ALLEN PLYLER was residing at 1018 E. Lowden Ave., Wheaton, IL 60187.
2. Defendant LEVINTON MANUFACTURING COMPANY, INC. was, at aforementioned date, in the business of manufacturing of electrical outlets.
3. Defendant LEVINTON MANUFACTURING COMPANY, INC.'s defective electrical outlet was installed at Plaintiff's residence prior to October 11, 2006.
4. Defendant knew or should have known that the aforementioned electrical outlet was defective in nature.

5. It was foreseeable to the Defendant that the risks of harm posed by the defective electrical outlets could have been reduced or avoided by the adoption of a reasonable alternative design.
6. The omission of the alternative design rendered the electrical outlet not reasonably safe.
7. Defendant was aware of the usefulness and desirability of this product to the public as a whole.
8. Defendant was aware that safety aspects of an electrical outlet were important because it is highly likely that a defective electrical outlet would cause serious injury.
9. Defendant had the ability to substitute the defective electrical outlet or parts of the electrical outlet which rendered it unsafe.
10. Defendant had the ability to eliminate the unsafe characteristic of the electrical outlet without impairing its usefulness or making it too expensive to maintain its utility by providing a reasonable alternative design.
11. Defendant was aware that a reasonable person would be unable to avoid the danger posed by the existence of the defective electrical outlet.
12. Defendant failed to make the dangerous nature of this electrical outlet open and obvious to the general public.
13. As a result of Defendant LEVINTON MANUFACTURING COMPANY, INC.'S manufacturing and sale of defectively designed electrical outlets, Plaintiff then and there sustained severe injuries and will continue to suffer great pain and anguish, both in mind and body. As a result, Plaintiff has, and will expend and become liable for large

sums of money for medical and other professional help in attempting to become cured of his injuries.

WHEREFORE Plaintiff **ALLEN PLYLER** asks this court to enter judgment in his favor and against Defendant, **LEVINTON MANUFACTURING COMPANY, INC.** for an amount in excess of \$50,000.00, plus his costs of suit.

**COUNT VI**

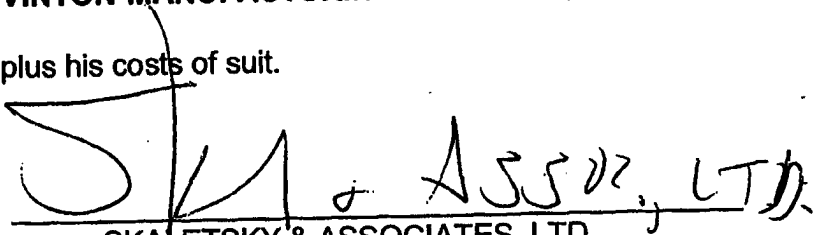
**Products Liability, Manufacturing Defect: Leviton Manufacturing Company, Inc.**

1. On or about October 11, 2006, ALLEN PLYLER was residing at 1018 E. Lowden Ave., Wheaton, IL 60187.
2. Defendant LEVINTON MANUFACTURING COMPANY, INC. was, at aforementioned date, in the business of manufacturing of electrical outlets.
3. Defendant LEVINTON MANUFACTURING COMPANY, INC.'s defective electrical outlet was installed at Plaintiff's residence prior to October 11, 2006.
4. Defendant knew or should have known that the aforementioned electrical outlet was defective in nature.
5. The electrical outlet manufactured by Defendant LEVINTON MANUFACTURING COMPANY INC. and installed in Plaintiff's home was defective in nature because it departed from its intended design.
6. As a result, at or around 5 AM on aforementioned date at the aforementioned address, a fire was created within the microwave and in the wall outlet, causing Plaintiff's house to burn down.
7. The microwave was not and had not been in operation for several hours prior to the fire.

8. That the aforesaid defective nature of the electrical outlet was a proximate cause of the fire and Plaintiff's personal injuries hereinafter mentioned.

9. That as a direct and proximate result of the aforesaid defect of the Defendant's product, Plaintiff then and there sustained severe injuries and will continue to suffer great pain and anguish, both in mind and body. As a result, Plaintiff has, and will expend and become liable for large sums of money for medical and other professional help in attempting to become cured of his injuries.

WHEREFORE Plaintiff **ALLEN PLYLER** asks this court to enter judgment in his favor and against Defendant, **LEVINTON MANUFACTURING COMPANY, INC.** for an amount in excess of \$50,000.00, plus his costs of suit.

  
SKALETsky & ASSOCIATES, LTD.

SKALETsky & ASSOCIATES, LTD.  
180 N. Wacker Drive, Suite 203  
Chicago, IL 60606  
(312) 704-4242  
Atty. No. 11021



# EXHIBIT B



**Service of Process  
Transmittal**

10/23/2008

CT Log Number 514006814



**TO:** Christine Fox  
Best Buy Enterprise Services, Inc.  
7601 Penn Avenue South  
Richfield, MN 55423

**RE: Process Served in Illinois**

**FOR:** Best Buy Co., Inc. (Domestic State: MN)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

<b>TITLE OF ACTION:</b>	Allen Plyler, Pltff. vs. Whirlpool Corporation, et al. including Best Buy Co., Inc., Dfts.
<b>DOCUMENT(S) SERVED:</b>	Summons(2 Sets), Service List(2 Sets), Complaint
<b>COURT/AGENCY:</b>	Cook County Circuit Court - County Department - Law Division, IL Case # 2008L011322
<b>NATURE OF ACTION:</b>	Product Liability Litigation - Manufacturing Defect - Fire was created within the microwave and in the wall outlet, causing plaintiff's house to burn down
<b>ON WHOM PROCESS WAS SERVED:</b>	C T Corporation System, Chicago, IL
<b>DATE AND HOUR OF SERVICE:</b>	By Process Server on 10/23/2008 at 09:30
<b>APPEARANCE OR ANSWER DUE:</b>	Within 30 days after service, not counting the day of service
<b>ATTORNEY(S) / SENDER(S):</b>	Scott Skaletsky 180 North Wacker Drive Suite 203 Chicago, IL 60606 312-704-4242
<b>ACTION ITEMS:</b>	SOP Papers with Transmittal, via Fed Ex 2 Day , 790119586501 Image SOP Email Notification, Christine Fox commerciallitigation@bestbuy.com
<b>SIGNED:</b>	C T Corporation System
<b>PER:</b>	Tawana Carter
<b>ADDRESS:</b>	208 South LaSalle Street Suite 814 Chicago, IL 60604 312-345-4336
<b>TELEPHONE:</b>	

2120 - Served  
 2220 - Not Served  
 2320 - Served By Mail  
 2420 - Served By Publication  
 SUMMONS

2121 - Served  
 2221 - Not Served  
 2321 - Served By Mail  
 2421 - Served By Publication  
 ALIAS - SUMMONS

(8/01/08) CCG N001

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
 COUNTY DEPARTMENT, \_\_\_\_\_ LAW \_\_\_\_\_ DIVISION

No. 2008L011322  
 CALENDAR/ROOM B  
 TIME 00:00  
 Product Liability

ALLEN PLYLER

(Name all parties)

v.

PLEASE SEE ATTACHED  
 SERVICE LIST

WHIRLPOOL CORPORATION, BEST BUY CO., INC., &amp; LEVITON MANUFACTURING COMPANY, INC.,

## SUMMONS

## To each Defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

- ☒ Richard J. Daley Center, 50 W. Washington, Room 801, Chicago, Illinois 60602
- ☐ District 2 - Skokie  
 5600 Old Orchard Rd.  
 Skokie, IL 60077
- ☐ District 3 - Rolling Meadows  
 2121 Euclid  
 Rolling Meadows, IL 60008
- ☐ District 4 - Maywood  
 1500 Maybrook Ave.  
 Maywood, IL 60153
- ☐ District 5 - Bridgeview  
 10220 S. 76th Ave.  
 Bridgeview, IL 60455
- ☐ District 6 - Markham  
 16501 S. Kedzie Pkwy.  
 Markham, IL 60426
- ☐ Child Support  
 28 North Clark St., Room 200  
 Chicago, Illinois 60602

You must file within 30 days after service of this Summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

## To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

Atty. No.: 11021

Name: SCOTT SKALETSKY

Atty. for: PLAINTIFF, ALLEN PLYLER

Address: 180 NORTH WACKER DRIVE, SUITE 203

City/State/Zip: CHICAGO, IL 60606

Telephone: (312) 704-4242

WITNESS, \_\_\_\_\_

OCT 14 2008

Clerk of Court

Date of service: \_\_\_\_\_

(To be inserted by officer on copy left with defendant  
 or other person)

Service by Facsimile Transmission will be accepted at: \_\_\_\_\_

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

**SERVICE LIST**

ILLINOIS CORPORATION SERVICE C  
WHIRLPOOL CORPORATION  
801 Adlai Stevenson Drive  
Springfield, IL 62703

C T CORPORATION SYSTEM  
BEST BUY CO., INC.  
208 South La Salle Street  
Suite 814  
Chicago, IL 60604

C T CORPORATION SYSTEM  
LEVITON MANUFACTURING CO., INC.  
208 South La Salle Street  
Suite 814  
Chicago, IL 60604

# EXHIBIT C

**AFFIDAVIT OF MICHAEL METZGER**

County of Berrien  
State of Michigan

BEFORE ME, the undersigned authority, on this day personally appeared MICHAEL METZGER, known to me to be the person whose name is subscribed to the following instrument and having been by me duly sworn, upon his oath, deposes and states the following:

1.

My name is Michael Metzger and I am Senior Counsel for Whirlpool Corporation (“Whirlpool”). I am over the age of 21 years and I am competent to give this Affidavit on the basis of my personal knowledge for use as described herein.

2.

Whirlpool has been named in a lawsuit in the Circuit Court for Cook County, State of Illinois styled “Allen Plyler, Plaintiff vs. Whirlpool Corporation, Best Buy Co., Inc. and Leviton Manufacturing Company, Inc.,” Civil Action No. 20081011322 (the “State Court Action”).

3.

Whirlpool is a Delaware Corporation with its principal place of business located in Benton Harbor, Michigan.

4.

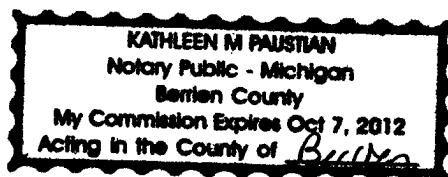
I am authorized to state that Whirlpool consents to removal of the State Court Action to the United States District Court for Northern District of Illinois.

I declare under penalty of perjury that the forgoing facts are true and correct, this 4<sup>th</sup> day of November, 2008.

Michael Metzger  
MICHAEL METZGER

Sworn to and Subscribed before  
me on this 4<sup>th</sup> day  
of November, 2008.

Kathleen M. Paustian  
NOTARY PUBLIC  
My Commission Expires: Oct 7, 2012



# EXHIBIT D



**AFFIDAVIT OF VINCENT J. LONIGRO**

County of Queens  
State of New York

BEFORE ME, the undersigned authority, on this day personally appeared  
VINCENT J. LONIGRO, known to me to be the person whose name is subscribed to the  
following instrument and having been by me duly sworn, upon his oath, deposes and  
states the following:

My name is Vincent J. LoNigro and I am Assistant General Counsel for Leviton  
Manufacturing Company, Inc. ("Leviton"). I am over the age of 21 years and I am  
competent to give this Affidavit on the basis of my personal knowledge for use as  
described herein.


Leviton has been named in a lawsuit in the Circuit Court for Cook County, State  
of Illinois styled "Allen Plyler, Plaintiff vs. Whirlpool Corporation, Best Buy Co., Inc.  
and Leviton Manufacturing Company, Inc.," Civil Action No. 20081011322 (the "State  
Court Action").

Leviton is a Delaware Corporation with its principal place of business located in  
Little Neck, New York.

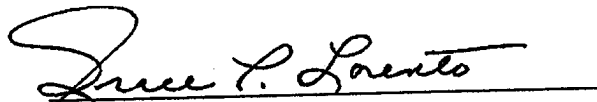
I am authorized to state that Leviton consents to removal of the State Court  
Action to the United States District Court for Northern District of Illinois.

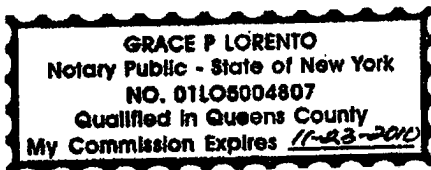
I declare under penalty of perjury that the forgoing facts are true and correct, this

13<sup>th</sup> day of November, 2008.

  
VINCENT J. LONIGRO

Sworn to and Subscribed before  
me on this 13<sup>th</sup> day  
of November, 2008

  
NOTARY PUBLIC  
My Commission Expires: 11-23-2010



# EXHIBIT E

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

08-L-011322 B PLYLER ALLEN

STATE OF ILLINOIS }  
COUNTY OF COOK } ss:

-V- WHIRLPOOL CORPORATION  
-V- BEST BUY CO INC  
-V- LEVITON MANUFACTURING

I, DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, IN AND FOR THE STATE OF ILLINOIS, AND THE KEEPER OF THE RECORDS, FILES, AND SEAL THEREOF, DO HEREBY CERTIFY THE ABOVE AND FOREGOING TO BE PHOTOCOPIES OF DOCUMENTS AS THEY APPEAR IN THE COURT FILE IN A CERTAIN CAUSE NOW PENDING IN SAID COURT.

BETWEEN

AND

IN WITNESS WHEREOF, I HAVE SET MY HAND,  
AND AFFIXED THE SEAL OF THE COURT IN SAID  
COUNTY THIS NOV 17 2008 DAY OF

DOROTHY BROWN

DOROTHY BROWN  
CLERK OF THE CIRCUIT COURT

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION**

**ALLEN PLYLER,**

**Plaintiff,**

**vs.**

**WHIRLPOOL CORPORATION, BEST  
BUY CO., INC., and LEVITON  
MANUFACTURING COMPANY, INC.,**

**Defendants.**

**Case No.:**

**2008L011322  
CALENDAR/ROOM B  
TIME 00:00  
Product Liability**

**FILED-2  
2008 OCT 14 AM 9:07  
DOJOITY BROWN  
CLERK OF CIRCUIT COURT  
LAW DIVISION**

**COMPLAINT**

**NOW COMES** Plaintiff, **ALLEN PLYLER**, by and through his attorneys, **SKALETISKY AND ASSOCIATES, LTD**, and for his Complaint against the Defendants, **WHIRLPOOL CORPORATION, BEST BUY CO. INC., and LEVITON MANUFACTURING COMPANY, INC.**, states as follows:

**Count I**

**Negligence: Whirlpool Corporation**

1. On or about October 11, 2006, ALLEN PLYLER was a residing at 1018 E. Lowden Ave., Wheaton, IL 60187.
2. Defendant WHIRLPOOL CORPORATION'S defective Whirlpool microwave was installed at Plaintiff's house prior to October 11, 2006.
3. Defendant WHIRLPOOL CORPORATION was, at aforementioned date, in the business of manufacturing, selling, and distributing microwaves.
4. Defendant knew or should have known that the aforementioned microwave was defective in nature.

5. Defendant had a duty to notify purchasers of aforementioned microwaves of its defective nature.

6. Defendant breached its duty when it failed to properly notify Plaintiff, recall and remove the defective microwave from Plaintiff's home.

7. As a result, at or around 5 AM on aforementioned date and address, a fire was created within the microwave and in the wall outlet, causing Plaintiff's house to burn down.

8. The microwave was not and had not been in operation for several hours prior to the fire. 9. The careless and negligent act/or omission by the Defendant was the proximate cause of the fire and Plaintiff's personal injuries hereinafter mentioned.

10. That as a direct and proximate result of the aforesaid negligent act and/or omission by the Defendant WHIRLPOOL CORPORATION, Plaintiff then and there sustained severe injuries and will continue to suffer great pain and anguish, both in mind and body. As a result, Plaintiff has already lost and will continue to lose substantial amounts of time at his employment. Further, Plaintiff has, and will expend and become liable for large sums of money for medical and other professional help in attempting to become cured of his injuries.

WHEREFORE Plaintiff **ALLEN PLYLER** asks this court to enter judgment in his favor and against Defendant, **WHIRLPOOL CORPORATION** for an amount in excess of \$50,000.00, plus his costs of suit.

**Count II**

**Products Liability, Design Defect: Whirlpool Corporation**

1. On or about October 11, 2006, ALLEN PLYLER was residing at 1018 E. Lowden Ave., Wheaton, IL 60187.
2. Defendant WHIRLPOOL CORPORATION'S defective Whirlpool microwave was installed at Plaintiff's house prior to October 11, 2006.
3. Defendant WHIRLPOOL CORPORATION was, at aforementioned date, in the business of manufacturing, selling, and distributing microwaves.
4. Defendant knew or should have known that the aforementioned microwave was defective in nature.
5. It was foreseeable to the Defendant that the risks of harm posed by the defective microwave could have been reduced or avoided by the adoption of a reasonable alternative design.
6. The omission of the alternative design rendered the microwave not reasonably safe.
7. Defendant was aware of the usefulness and desirability of this microwave to the public as a whole.
8. Defendant was aware that safety aspects of a microwave were important because it is highly likely that a defective microwave would cause serious injury.
9. Defendant had the ability to substitute the defective microwave or parts of the microwave which rendered it unsafe.

10. Defendant had the ability to eliminate the unsafe characteristic of the microwave without impairing its usefulness or making it too expensive to maintain its utility by providing a reasonable alternative design.

11. Defendant was aware that a reasonable person would be unable to avoid the danger posed by the existence of the defective microwave.

12. Defendant failed to make the dangerous nature of this microwave open and obvious to the general public.

13. As a result of Defendant WHIRLPOOL CORPORATION'S manufacturing, sale and distribution of a defectively designed microwave, Plaintiff then and there sustained severe injuries and will continue to suffer great pain and anguish, both in mind and body. As a result, Plaintiff has already lost and will continue to lose substantial amounts of time at his employment. Further, Plaintiff has, and will expend and become liable for large sums of money for medical and other professional help in attempting to become cured of his injuries.

WHEREFORE Plaintiff ALLEN PLYLER asks this court to enter judgment in his favor and against Defendant, WHIRLPOOL CORPORATION for an amount in excess of \$50,000.00, plus his costs of suit.

### **Count III**

#### **Negligence: Best Buy Co. Inc.**

1. On or about October 11, 2006, ALLEN PLYLER was residing at 1018 E. Lowden Ave., Wheaton, IL 60187.

2. Defendant WHIRLPOOL CORPORATION'S defective Whirlpool microwave was installed at Plaintiff's house prior to October 11, 2006.



3. Defendant BEST BUY CO. INC. was in the business of selling Whirlpool microwaves.
4. Defendant knew or should have known that the Whirlpool microwaves that it sold or was selling were defective in nature.
5. Defendant had a duty to notify customers of the defective condition of the microwave.
6. Defendant breached its duty when it failed to properly notify Plaintiff, recall and remove the defective microwave from Plaintiff's home.
7. As a result, at or around 5 AM on aforementioned date and address, a fire was created within the microwave and in the wall outlet, causing Plaintiff's house to burn down.
8. The microwave was not and had not been in operation for several hours prior to the fire. 26. The careless and negligent act/or omission by the Defendant was the proximate cause of the fire and Plaintiff's personal injuries hereinafter mentioned.
9. That as a direct and proximate result of the aforesaid negligent act and/or omission by the Defendant BEST BUY CO. INC., Plaintiff then and there sustained severe injuries and will continue to suffer great pain and anguish, both in mind and body. As a result, Plaintiff has already lost and will continue to lose substantial amounts of time at his employment. Further, Plaintiff has, and will expend and become liable for large sums of money for medical and other professional help in attempting to become cured of his injuries.

WHEREFORE Plaintiff **ALLEN PLYLER** asks this court to enter judgment in his favor and against Defendant, **BEST BUY CO. INC.** for an amount in excess of \$50,000.00, plus his costs of suit.

**COUNT IV**

**Negligence: Levinton Manufacturing Company, Inc.**

1. On or about October 11, 2006, ALLEN PLYLER was a residing at 1018 E. Lowden Ave., Wheaton, IL 60187.
2. Defendant LEVINTON MANUFACTURING COMPANY, INC. was, at aforementioned date, in the business of manufacturing of electrical outlets.
3. Defendant LEVINTON MANUFACTURING COMPANY, INC.'s defective electrical outlet was installed at Plaintiff's residence prior to October 11, 2006.
4. Defendant knew or should have known that the aforementioned electrical outlet was defective in nature.
5. Defendant had a duty to notify purchasers that the aforementioned electrical outlets were defective.
6. Defendant breached its duty when it failed to properly recall and remove the defective electrical outlet from Plaintiff's home.
7. As a result, at or around 5 AM on aforementioned date at the aforementioned address, a fire was created within the microwave and in the wall outlet, causing Plaintiff's house to burn down.
8. The microwave was not and had not been in operation for several hours prior to the fire.

9. That the aforesaid careless and negligent act/or omission of the Defendant was a proximate cause of the fire and Plaintiff's personal injuries hereinafter mentioned.

10. That as a direct and proximate result of the aforesaid negligent act and/or omission of the Defendant LEVINTON MANUFACTURING COMPANY, INC., Plaintiff then and there sustained severe injuries and will continue to suffer great pain and anguish, both in mind and body. As a result, Plaintiff has already lost and will continue to lose substantial amounts of time at his employment. Further, Plaintiff has, and will expend and become liable for large sums of money for medical and other professional help in attempting to become cured of his injuries.

WHEREFORE Plaintiff **ALLEN PLYLER** asks this court to enter judgment in his favor and against Defendant, **LEVINTON MANUFACTURING COMPANY, INC.** for an amount in excess of \$50,000.00, plus his costs of suit.

#### **COUNT V**

##### **Products Liability, Design Defect: Leviton Manufacturing Company, Inc.**

1. On or about October 11, 2006, ALLEN PLYLER was a residing at 1018 E. Lowden Ave., Wheaton, IL 60187.
2. Defendant LEVINTON MANUFACTURING COMPANY, INC. was, at aforementioned date, in the business of manufacturing of electrical outlets.
3. Defendant LEVINTON MANUFACTURING COMPANY, INC.'s defective electrical outlet was installed at Plaintiff's residence prior to October 11, 2006.
4. Defendant knew or should have known that the aforementioned electrical outlet was defective in nature.

5. It was foreseeable to the Defendant that the risks of harm posed by the defective electrical outlets could have been reduced or avoided by the adoption of a reasonable alternative design.
6. The omission of the alternative design rendered the electrical outlet not reasonably safe.
7. Defendant was aware of the usefulness and desirability of this product to the public as a whole.
8. Defendant was aware that safety aspects of an electrical outlet were important because it is highly likely that a defective electrical outlet would cause serious injury.
9. Defendant had the ability to substitute the defective electrical outlet or parts of the electrical outlet which rendered it unsafe.
10. Defendant had the ability to eliminate the unsafe characteristic of the electrical outlet without impairing its usefulness or making it too expensive to maintain its utility by providing a reasonable alternative design.
11. Defendant was aware that a reasonable person would be unable to avoid the danger posed by the existence of the defective electrical outlet.
12. Defendant failed to make the dangerous nature of this electrical outlet open and obvious to the general public.
13. As a result of Defendant LEVINTON MANUFACTURING COMPANY, INC.'S manufacturing and sale of defectively designed electrical outlets, Plaintiff then and there sustained severe injuries and will continue to suffer great pain and anguish, both in mind and body. As a result, Plaintiff has, and will expend and become liable for large

sums of money for medical and other professional help in attempting to become cured of his injuries.

WHEREFORE Plaintiff **ALLEN PLYLER** asks this court to enter judgment in his favor and against Defendant, **LEVINTON MANUFACTURING COMPANY, INC.** for an amount in excess of \$50,000.00, plus his costs of suit.

**COUNT VI**

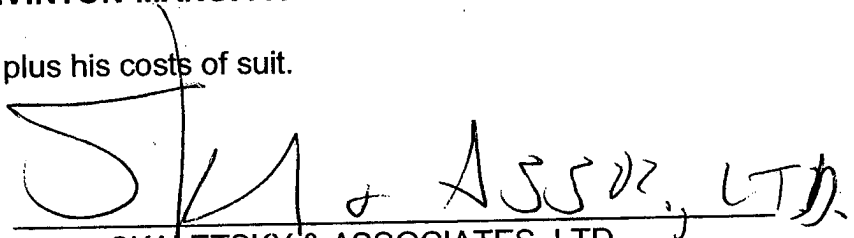
**Products Liability, Manufacturing Defect: Leviton Manufacturing Company, Inc.**

1. On or about October 11, 2006, ALLEN PLYLER was residing at 1018 E. Lowden Ave., Wheaton, IL 60187.
2. Defendant LEVINTON MANUFACTURING COMPANY, INC. was, at aforementioned date, in the business of manufacturing of electrical outlets.
3. Defendant LEVINTON MANUFACTURING COMPANY, INC.'s defective electrical outlet was installed at Plaintiff's residence prior to October 11, 2006.
4. Defendant knew or should have known that the aforementioned electrical outlet was defective in nature.
5. The electrical outlet manufactured by Defendant LEVINTON MANUFACTURING COMPANY INC. and installed in Plaintiff's home was defective in nature because it departed from its intended design.
6. As a result, at or around 5 AM on aforementioned date at the aforementioned address, a fire was created within the microwave and in the wall outlet, causing Plaintiff's house to burn down.
7. The microwave was not and had not been in operation for several hours prior to the fire.

8. That the aforesaid defective nature of the electrical outlet was a proximate cause of the fire and Plaintiff's personal injuries hereinafter mentioned.

9. That as a direct and proximate result of the aforesaid defect of the Defendant's product, Plaintiff then and there sustained severe injuries and will continue to suffer great pain and anguish, both in mind and body. As a result, Plaintiff has, and will expend and become liable for large sums of money for medical and other professional help in attempting to become cured of his injuries.

WHEREFORE Plaintiff **ALLEN PLYLER** asks this court to enter judgment in his favor and against Defendant, **LEVINTON MANUFACTURING COMPANY, INC.** for an amount in excess of \$50,000.00, plus his costs of suit.

  
SKALETSKY & ASSOCIATES, LTD.

SKALETSKY & ASSOCIATES, LTD.  
180 N. Wacker Drive, Suite 203  
Chicago, IL 60606  
(312) 704-4242  
Atty. No. 11021

ALLEN PLYLER

v.

WHIRLPOOL CORPORATION, BEST BUY CO, INC, &amp; LEVITON MANUFACTURING COMPANY, INC

No.

2008L011322  
CALENDAR/ROOM B  
TIME 00:00  
Product Liability**CIVIL ACTION COVER SHEET - CASE INITIATION**

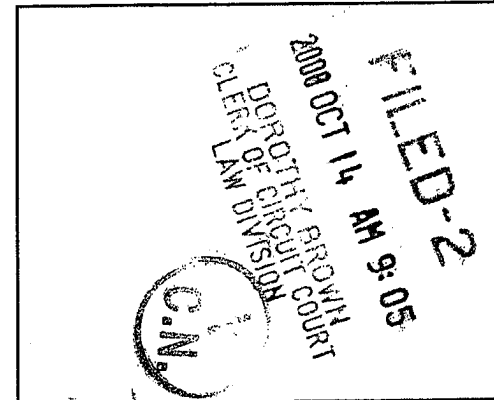
A Civil Action Cover Sheet - Case Initiation shall be filed with the complaint in all civil actions. The information contained herein is for administrative purposes only and cannot be introduced into evidence. Please check the box in front of the appropriate case type which best characterizes your action. **ONLY ONE (1) CASE TYPE MAY BE CHECKED WITH THIS COVER SHEET.**

Jury Demand ☒ Yes ☐ No**PERSONAL INJURY/WRONGFUL DEATH****CASE TYPES:**

- ☐ 027 Motor Vehicle  
☐ 040 Medical Malpractice  
☐ 047 Asbestos  
☐ 048 Dram Shop  
☒ 049 Product Liability  
☐ 051 Construction Injuries  
     (including Structural Work Act, Road  
     Construction Injuries Act and negligence)  
☐ 052 Railroad/FELA  
☐ 053 Pediatric Lead Exposure  
☐ 061 Other Personal Injury/Wrongful Death  
☐ 063 Intentional Tort  
☐ 064 Miscellaneous Statutory Action  
     (Please Specify Below\*\*)  
☐ 065 Premises Liability  
☐ 078 Fen-phen/Redux Litigation  
☐ 199 Silicone Implant

**TAX & MISCELLANEOUS REMEDIES****CASE TYPES:**

- ☐ 007 Confession of Judgment  
☐ 008 Replevin  
☐ 009 Tax  
☐ 015 Condemnation  
☐ 017 Detinue  
☐ 029 Unemployment Compensation  
☐ 036 Administrative Review Action  
☐ 085 Petition to Register Foreign Judgment  
☐ 099 All Other Extraordinary Remedies



(FILE STAMP)

**COMMERCIAL LITIGATION****CASE TYPES:**

- ☐ 002 Breach of Contract  
☐ 070 Professional Malpractice  
     (other than legal or medical)  
☐ 071 Fraud  
☐ 072 Consumer Fraud  
☐ 073 Breach of Warranty  
☐ 074 Statutory Action  
     (Please Specify Below\*\*)  
☐ 075 Other Commercial Litigation  
     (Please Specify Below\*\*)  
☐ 076 Retaliatory Discharge

**OTHER ACTIONS****CASE TYPES:**

- ☐ 062 Property Damage  
☐ 066 Legal Malpractice  
☐ 077 Libel/Slander  
☐ 079 Petition for Qualified Orders  
☐ 084 Petition to Issue Subpoena  
☐ 100 Petition for Discovery

\*\*

By: \_\_\_\_\_  
(Attorney) (Pro Se)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

ALLEN PLYLER,

Plaintiff,

vs.

WHIRLPOOL CORPORATION, BEST  
BUY CO., INC., and LEVITON  
MANUFACTURING COMPANY, INC.,

Defendants.

Case No.:

2008BLO11322  
CALENDAR/ROOM B  
TIME 00:00  
Product Liability

COMPLAINT

NOW COMES Plaintiff, ALLEN PLYLER, by and through his attorneys,  
SKALETSKY AND ASSOCIATES, LTD, and for his Complaint against the Defendants,  
WHIRLPOOL CORPORATION, BEST BUY CO. INC., and LEVITON  
MANUFACTURING COMPANY, INC., states as follows:

Count I

**Negligence: Whirlpool Corporation**

1. On or about October 11, 2006, ALLEN PLYLER was a residing at 1018 E. Lowden Ave., Wheaton, IL 60187.
2. Defendant WHIRLPOOL CORPORATION'S defective Whirlpool microwave was installed at Plaintiff's house prior to October 11, 2006.
3. Defendant WHIRLPOOL CORPORATION was, at aforementioned date, in the business of manufacturing, selling, and distributing microwaves.
4. Defendant knew or should have known that the aforementioned microwave was defective in nature.



5. Defendant had a duty to notify purchasers of aforementioned microwaves of its defective nature.

6. Defendant breached its duty when it failed to properly notify Plaintiff, recall and remove the defective microwave from Plaintiff's home.

7. As a result, at or around 5 AM on aforementioned date and address, a fire was created within the microwave and in the wall outlet, causing Plaintiff's house to burn down.

8. The microwave was not and had not been in operation for several hours prior to the fire. 9. The careless and negligent act/or omission by the Defendant was the proximate cause of the fire and Plaintiff's personal injuries hereinafter mentioned.

10. That as a direct and proximate result of the aforesaid negligent act and/or omission by the Defendant WHIRLPOOL CORPORATION, Plaintiff then and there sustained severe injuries and will continue to suffer great pain and anguish, both in mind and body. As a result, Plaintiff has already lost and will continue to lose substantial amounts of time at his employment. Further, Plaintiff has, and will expend and become liable for large sums of money for medical and other professional help in attempting to become cured of his injuries.

WHEREFORE Plaintiff **ALLEN PLYLER** asks this court to enter judgment in his favor and against Defendant, **WHIRLPOOL CORPORATION** for an amount in excess of \$50,000.00, plus his costs of suit.

**Count II**

**Products Liability, Design Defect: Whirlpool Corporation**

1. On or about October 11, 2006, ALLEN PLYLER was residing at 1018 E. Lowden Ave., Wheaton, IL 60187.
2. Defendant WHIRLPOOL CORPORATION'S defective Whirlpool microwave was installed at Plaintiff's house prior to October 11, 2006.
3. Defendant WHIRLPOOL CORPORATION was, at aforementioned date, in the business of manufacturing, selling, and distributing microwaves.
4. Defendant knew or should have known that the aforementioned microwave was defective in nature.
5. It was foreseeable to the Defendant that the risks of harm posed by the defective microwave could have been reduced or avoided by the adoption of a reasonable alternative design.
6. The omission of the alternative design rendered the microwave not reasonably safe.
7. Defendant was aware of the usefulness and desirability of this microwave to the public as a whole.
8. Defendant was aware that safety aspects of a microwave were important because it is highly likely that a defective microwave would cause serious injury.
9. Defendant had the ability to substitute the defective microwave or parts of the microwave which rendered it unsafe.

10. Defendant had the ability to eliminate the unsafe characteristic of the microwave without impairing its usefulness or making it too expensive to maintain its utility by providing a reasonable alternative design.

11. Defendant was aware that a reasonable person would be unable to avoid the danger posed by the existence of the defective microwave.

12. Defendant failed to make the dangerous nature of this microwave open and obvious to the general public.

13. As a result of Defendant WHIRLPOOL CORPORATION'S manufacturing, sale and distribution of a defectively designed microwave, Plaintiff then and there sustained severe injuries and will continue to suffer great pain and anguish, both in mind and body. As a result, Plaintiff has already lost and will continue to lose substantial amounts of time at his employment. Further, Plaintiff has, and will expend and become liable for large sums of money for medical and other professional help in attempting to become cured of his injuries.

WHEREFORE Plaintiff **ALLEN PLYLER** asks this court to enter judgment in his favor and against Defendant, **WHIRLPOOL CORPORATION** for an amount in excess of \$50,000.00, plus his costs of suit.

### **Count III**

#### **Negligence: Best Buy Co. Inc.**

1. On or about October 11, 2006, ALLEN PLYLER was residing at 1018 E. Lowden Ave., Wheaton, IL 60187.

2. Defendant WHIRLPOOL CORPORATION'S defective Whirlpool microwave was installed at Plaintiff's house prior to October 11, 2006.

3. Defendant BEST BUY CO. INC. was in the business of selling Whirlpool microwaves.
4. Defendant knew or should have known that the Whirlpool microwaves that it sold or was selling were defective in nature.
5. Defendant had a duty to notify customers of the defective condition of the microwave.
6. Defendant breached its duty when it failed to properly notify Plaintiff, recall and remove the defective microwave from Plaintiff's home.
7. As a result, at or around 5 AM on aforementioned date and address, a fire was created within the microwave and in the wall outlet, causing Plaintiff's house to burn down.
8. The microwave was not and had not been in operation for several hours prior to the fire. 26. The careless and negligent act/or omission by the Defendant was the proximate cause of the fire and Plaintiff's personal injuries hereinafter mentioned.
9. That as a direct and proximate result of the aforesaid negligent act and/or omission by the Defendant BEST BUY CO. INC., Plaintiff then and there sustained severe injuries and will continue to suffer great pain and anguish, both in mind and body. As a result, Plaintiff has already lost and will continue to lose substantial amounts of time at his employment. Further, Plaintiff has, and will expend and become liable for large sums of money for medical and other professional help in attempting to become cured of his injuries.

WHEREFORE Plaintiff **ALLEN PLYLER** asks this court to enter judgment in his favor and against Defendant, **BEST BUY CO. INC.** for an amount in excess of \$50,000.00, plus his costs of suit.

**COUNT IV**

**Negligence: Levinton Manufacturing Company, Inc.**

1. On or about October 11, 2006, ALLEN PLYLER was residing at 1018 E. Lowden Ave., Wheaton, IL 60187.
2. Defendant LEVINTON MANUFACTURING COMPANY, INC. was, at aforementioned date, in the business of manufacturing of electrical outlets.
3. Defendant LEVINTON MANUFACTURING COMPANY, INC.'s defective electrical outlet was installed at Plaintiff's residence prior to October 11, 2006.
4. Defendant knew or should have known that the aforementioned electrical outlet was defective in nature.
5. Defendant had a duty to notify purchasers that the aforementioned electrical outlets were defective.
6. Defendant breached its duty when it failed to properly recall and remove the defective electrical outlet from Plaintiff's home.
7. As a result, at or around 5 AM on aforementioned date at the aforementioned address, a fire was created within the microwave and in the wall outlet, causing Plaintiff's house to burn down.
8. The microwave was not and had not been in operation for several hours prior to the fire.

9. That the aforesaid careless and negligent act/or omission of the Defendant was a proximate cause of the fire and Plaintiff's personal injuries hereinafter mentioned.

10. That as a direct and proximate result of the aforesaid negligent act and/or omission of the Defendant LEVINTON MANUFACTURING COMPANY, INC., Plaintiff then and there sustained severe injuries and will continue to suffer great pain and anguish, both in mind and body. As a result, Plaintiff has already lost and will continue to lose substantial amounts of time at his employment. Further, Plaintiff has, and will expend and become liable for large sums of money for medical and other professional help in attempting to become cured of his injuries.

WHEREFORE Plaintiff **ALLEN PLYLER** asks this court to enter judgment in his favor and against Defendant, **LEVINTON MANUFACTURING COMPANY, INC.** for an amount in excess of \$50,000.00, plus his costs of suit.

#### **COUNT V**

##### **Products Liability, Design Defect: Leviton Manufacturing Company, Inc.**

1. On or about October 11, 2006, ALLEN PLYLER was a residing at 1018 E. Lowden Ave., Wheaton, IL 60187.
2. Defendant LEVINTON MANUFACTURING COMPANY, INC. was, at aforementioned date, in the business of manufacturing of electrical outlets.
3. Defendant LEVINTON MANUFACTURING COMPANY, INC.'s defective electrical outlet was installed at Plaintiff's residence prior to October 11, 2006.
4. Defendant knew or should have known that the aforementioned electrical outlet was defective in nature.

5. It was foreseeable to the Defendant that the risks of harm posed by the defective electrical outlets could have been reduced or avoided by the adoption of a reasonable alternative design.
6. The omission of the alternative design rendered the electrical outlet not reasonably safe.
7. Defendant was aware of the usefulness and desirability of this product to the public as a whole.
8. Defendant was aware that safety aspects of an electrical outlet were important because it is highly likely that a defective electrical outlet would cause serious injury.
9. Defendant had the ability to substitute the defective electrical outlet or parts of the electrical outlet which rendered it unsafe.
10. Defendant had the ability to eliminate the unsafe characteristic of the electrical outlet without impairing its usefulness or making it too expensive to maintain its utility by providing a reasonable alternative design.
11. Defendant was aware that a reasonable person would be unable to avoid the danger posed by the existence of the defective electrical outlet.
12. Defendant failed to make the dangerous nature of this electrical outlet open and obvious to the general public.
13. As a result of Defendant LEVINTON MANUFACTURING COMPANY, INC.'S manufacturing and sale of defectively designed electrical outlets, Plaintiff then and there sustained severe injuries and will continue to suffer great pain and anguish, both in mind and body. As a result, Plaintiff has, and will expend and become liable for large

sums of money for medical and other professional help in attempting to become cured of his injuries.

WHEREFORE Plaintiff **ALLEN PLYLER** asks this court to enter judgment in his favor and against Defendant, **LEVINTON MANUFACTURING COMPANY, INC.** for an amount in excess of \$50,000.00, plus his costs of suit.

**COUNT VI**

**Products Liability, Manufacturing Defect: Leviton Manufacturing Company, Inc.**

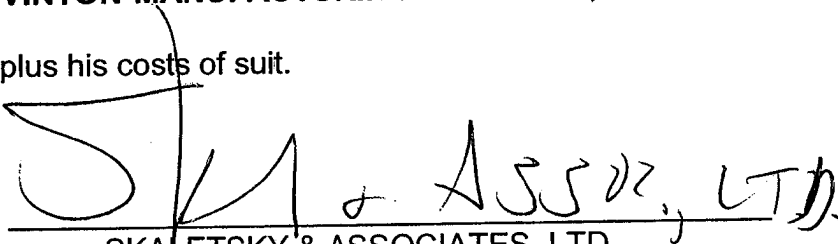
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3. Defendant LEVINTON MANUFACTURING COMPANY, INC.'s defective electrical outlet was installed at Plaintiff's residence prior to October 11, 2006.
4. Defendant knew or should have known that the aforementioned electrical outlet was defective in nature.
5. The electrical outlet manufactured by Defendant LEVINTON MANUFACTURING COMPANY INC. and installed in Plaintiff's home was defective in nature because it departed from its intended design.
6. As a result, at or around 5 AM on aforementioned date at the aforementioned address, a fire was created within the microwave and in the wall outlet, causing Plaintiff's house to burn down.
7. The microwave was not and had not been in operation for several hours prior to the fire.



8. That the aforesaid defective nature of the electrical outlet was a proximate cause of the fire and Plaintiff's personal injuries hereinafter mentioned.

9. That as a direct and proximate result of the aforesaid defect of the Defendant's product, Plaintiff then and there sustained severe injuries and will continue to suffer great pain and anguish, both in mind and body. As a result, Plaintiff has, and will expend and become liable for large sums of money for medical and other professional help in attempting to become cured of his injuries.

WHEREFORE Plaintiff **ALLEN PLYLER** asks this court to enter judgment in his favor and against Defendant, **LEVINTON MANUFACTURING COMPANY, INC.** for an amount in excess of \$50,000.00, plus his costs of suit.

  
SKALETSKY & ASSOCIATES, LTD.

SKALETSKY & ASSOCIATES, LTD.  
180 N. Wacker Drive, Suite 203  
Chicago, IL 60606  
(312) 704-4242  
Atty. No. 11021

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, \_\_\_\_\_ LAW \_\_\_\_\_ DIVISION

10/14/08  
100  
110  
ALLEN PLYLER

(Name all parties)

v.

WHIRLPOOL CORPORATION, BEST BUY CO., INC., & LEVITON MANUFACTURING COMPANY, INC.,

SUMMONS

To each Defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

- ☒ Richard J. Daley Center, 50 W. Washington, Room 801, Chicago, Illinois 60602
- ☐ District 2 - Skokie  
5600 Old Orchard Rd.  
Skokie, IL 60077
- ☐ District 3 - Rolling Meadows  
2121 Euclid  
Rolling Meadows, IL 60008
- ☐ District 4 - Maywood  
1500 Maybrook Ave.  
Maywood, IL 60153
- ☐ District 5 - Bridgeview  
10220 S. 76th Ave.  
Bridgeview, IL 60455
- ☐ District 6 - Markham  
16501 S. Kedzie Pkwy.  
Markham, IL 60426
- ☐ Child Support  
28 North Clark St., Room 200  
Chicago, Illinois 60602

You must file within 30 days after service of this Summons, not counting the day of service.  
IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

Atty. No.: 11021

Name: SCOTT SKALETSKY

Atty. for: PLAINTIFF, ALLEN PLYLER

Address: 180 NORTH WACKER DRIVE, SUITE 203

City/State/Zip: CHICAGO, IL 60606

Telephone: (312) 704-4242

WITNESS, \_\_\_\_\_

Clerk of Court

Date of service: \_\_\_\_\_

(To be inserted by officer on copy left with defendant or other person)

Service by Facsimile Transmission will be accepted at: \_\_\_\_\_

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

**SERVICE LIST**

ILLINOIS CORPORATION SERVICE C  
WHIRLPOOL CORPORATION  
801 Adlai Stevenson Drive  
Springfield, IL 62703

C T CORPORATION SYSTEM  
BEST BUY CO., INC.  
208 South La Salle Street  
Suite 814  
Chicago, IL 60604

C T CORPORATION SYSTEM  
LEVITON MANUFACTURING CO., INC.  
208 South La Salle Street  
Suite 814  
Chicago, IL 60604

FILED DT 10-14-2008 RECEIVED DT 10-14-2008 DIE DT 10-31-2008 MULTIPLE SERVICE 2  
DEFENDANT  
BEST BUY CO, INC.  
208 S LA SALLE ST  
CHICAGO IL. 60604  
STE 814  
PLAINTIFF ALLEN PLYLER  
ATTORNEY  
SCOTT SKALETSKY  
X  
X XX. 00000  
312 704-4242

SERVICE INFORMATION: DD C/O CT CORP SYSTEMS

\*\*\*\*\*  
(A) I CERTIFY THAT I SERVED THIS SUMMONS ON THE DEFENDANT AS FOLLOWS:

- .....1 PERSONAL SERVICE: BY LEAVING A COPY OF THE SUMMONS AND COMPLAINT WITH THE NAMED DEFENDANT PERSONALLY.  
.....2 SUBSTITUTE SERVICE: BY LEAVING A COPY OF THE SUMMONS AND A COPY OF THE COMPLAINT AT THE DEFENDANT'S USUAL PLACE OF ABODE WITH SOME PERSON OF THE FAMILY OR A PERSON RESIDING THERE, OF THE AGE OF 13 YEARS OR UPWARDS, AND INFORMING THAT PERSON OF THE CONTENTS THEREOF. ALSO, A COPY OF THE SUMMONS WAS MAILED ON THE DAY OF 20, IN A SEALED ENVELOPE WITH POSTAGE FULLY PREPAID, ADDRESSED TO THE DEFENDANT AT HIS OR HER USUAL PLACE OF ABODE.  
.....3 SERVICE ON: CORPORATION ☒ COMPANY ☒ BUSINESS ☐ PARTNERSHIP ☐  
BY LEAVING A COPY OF THE SUMMONS AND COMPLAINT (OR INTERROGATORIES) WITH THE REGISTERED AGENT, AUTHORIZED PERSON OR PARTNER OF THE DEFENDANT.  
.....4 CERTIFIED MAIL

(B) THOMAS J. DART, SHERIFF, BY: [Signature], DEPUTY 10104

1 SEX MF RACE W AGE 60  
2 NAME OF DEFENDANT BEST BUY CO, INC.  
WRIT SERVED ON [Signature]  
THIS 23 DAY OF Oct, 2008 TIME 10:30 A.M./P.M.

ADDITIONAL REMARKS

\*\*\*\*\*  
THE NAMED DEFENDANT WAS NOT SERVED.

TYPE OF BLDG OFC ATTEMPTED SERVICES  
NEIGHBORS NAME \_\_\_\_\_ DATE \_\_\_\_\_ TIME A.M./P.M. \_\_\_\_\_  
ADDRESS \_\_\_\_\_ : \_\_\_\_\_  
REASON NOT SERVED: \_\_\_\_\_ : \_\_\_\_\_  
\_\_\_\_\_ 07 EMPLOYER REFUSAL \_\_\_\_\_ : \_\_\_\_\_  
\_\_\_\_\_ 01 MOVED \_\_\_\_\_ 08 RETURNED BY ATTY \_\_\_\_\_ : \_\_\_\_\_  
\_\_\_\_\_ 02 NO CONTACT \_\_\_\_\_ 09 DECEASED \_\_\_\_\_ : \_\_\_\_\_  
\_\_\_\_\_ 03 EMPTY LOT \_\_\_\_\_ 10 BLDG DEMOLISHED \_\_\_\_\_ : \_\_\_\_\_  
\_\_\_\_\_ 04 NOT LISTED \_\_\_\_\_ 11 NO REGISTERED AGT. \_\_\_\_\_ : \_\_\_\_\_  
\_\_\_\_\_ 05 WRONG ADDRESS \_\_\_\_\_ 12 OTHER REASONS \_\_\_\_\_ : \_\_\_\_\_  
\_\_\_\_\_ 06 NO SUCH ADDRESS \_\_\_\_\_ 13 OUT OF COUNTY \_\_\_\_\_ : \_\_\_\_\_

FEE .00 MILEAGE .00 TOTAL .00

SG22

FILED DT 10-14-2008 RECEIVED DT 10-14-2008 DIE DT 10-31-2008 MULTIPLE SERVICE 2  
DEFENDANT  
LEVITON MANUFACTURING CO, INC.  
208 S LA SALLE ST  
CHICAGO IL. 60604  
STE 814  
PLAINTIFF ALLEN PLYLER  
ATTORNEY  
SCOTT SKALESTSKY  
X  
X XX. 00000  
312 704-4242

SERVICE INFORMATION: DD C/O CT CORP SYSTEM

\*\*\*\*\*  
(A) I CERTIFY THAT I SERVED THIS SUMMONS ON THE DEFENDANT AS FOLLOWS:

- .....1 PERSONAL SERVICE: BY LEAVING A COPY OF THE SUMMONS AND COMPLAINT WITH THE NAMED DEFENDANT PERSONALLY.  
.....2 SUBSTITUTE SERVICE: BY LEAVING A COPY OF THE SUMMONS AND A COPY OF THE COMPLAINT AT THE DEFENDANT'S USUAL PLACE OF ABODE WITH SOME PERSON OF THE FAMILY OR A PERSON RESIDING THERE, OF THE AGE OF 13 YEARS OR UPWARDS, AND INFORMING THAT PERSON OF THE CONTENTS THEREOF. ALSO, A COPY OF THE SUMMONS WAS MAILED ON THE DAY OF 20, IN A SEALED ENVELOPE WITH POSTAGE FULLY PREPAID, ADDRESSED TO THE DEFENDANT AT HIS OR HER USUAL PLACE OF ABODE.  
.....3 SAID PARTY REFUSED NAME SERVICE ON: CORPORATION X COMPANY BUSINESS PARTNERSHIP BY LEAVING A COPY OF THE SUMMONS AND COMPLAINT (OR INTERROGATORIES) WITH THE REGISTERED AGENT, AUTHORIZED PERSON OR PARTNER OF THE DEFENDANT.  
.....4 CERTIFIED MAIL

(B) THOMAS J. DART, SHERIFF, BY: [Signature], DEPUTY 10104

1 SEX MALE RACE W AGE 60  
2 NAME OF DEFENDANT LEVITON MANUFACTURING CO, INC.  
WRIT SERVED ON [Signature]  
THIS 23 DAY OF OCT, 2008 TIME 10:30 A.M./P.M.

ADDITIONAL REMARKS

\*\*\*\*\*

THE NAMED DEFENDANT WAS NOT SERVED.

TYPE OF BLDG [Signature] ATTEMPTED SERVICES  
NEIGHBORS NAME \_\_\_\_\_ DATE \_\_\_\_\_ TIME A.M./P.M. \_\_\_\_\_  
ADDRESS \_\_\_\_\_ : \_\_\_\_\_

REASON NOT SERVED:

- 01 MOVED \_\_\_\_\_ 07 EMPLOYER REFUSAL \_\_\_\_\_  
02 NO CONTACT \_\_\_\_\_ 08 RETURNED BY ATTY \_\_\_\_\_  
03 EMPTY LOT \_\_\_\_\_ 09 DECEASED \_\_\_\_\_  
04 NOT LISTED \_\_\_\_\_ 10 BLDG DEMOLISHED \_\_\_\_\_  
05 WRONG ADDRESS \_\_\_\_\_ 11 NO REGISTERED AGT. \_\_\_\_\_  
06 NO SUCH ADDRESS \_\_\_\_\_ 12 OTHER REASONS \_\_\_\_\_  
13 OUT OF COUNTY \_\_\_\_\_

FEE .00 MILEAGE .00 TOTAL .00

SG22